

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

**ROBBIE KELLY and
KEVEN ROBERTSON,**

Plaintiffs,

VS.

**CHRIST ACADEMY f/k/a,
THE EPISCOPAL SCHOOL
OF WICHITA FALLS, INC.,**

Defendant.

[illegible]

CIVIL ACTION NO. 7:11-cv-00072-O

**DEFENDANT’S OBJECTIONS TO
PLAINTIFF KEVEN ROBERTSON’S WITNESS LIST**

Defendant Christ Academy f/k/a The Episcopal School of Wichita Falls, Inc. (“Christ Academy”) files its Objections to Plaintiff Keven Robertson’s Witness List.

I.

CHRIST ACADEMY'S OBJECTIONS TO PLAINTIFF KEVEN ROBERTSON'S WITNESS LIST

Christ Academy objects to Plaintiff Keven Robertson (“Robertson”) calling Deana Draper, Denise Krzewinski, Stacy Brown, John Q. Krzewinski and Sara Lindemann as witnesses in this case. None of these individuals have been deposed in this case. Robertson indicates that Ms. Draper, Ms. Krzewinski, Ms. Brown and Ms. Lindemann will testify regarding their purported conflicts with Athletic Director Tommy Sugg, as well as Mr. Sugg’s purported conflict with other female staff members and parents. Robertson also indicates that Mr. Krzewinski will testify regarding his interactions with Mr. Sugg and his observations of Mr. Sugg’s interaction with his wife, Ms. Krzewinski. Such anticipated testimony is not relevant to Robertson’s causes of action for gender discrimination and retaliation. FED. R. EVID. 401–402. To the extent that these witnesses may testify regarding discriminatory or unfair treatment, if any, that they

allegedly experienced while employed by Christ Academy, the same is irrelevant and should be excluded. FED. R. EVID. 401–403; *see Goff v. Continental Oil Co.*, 678 F.2d 593, 596 (5th Cir. 1982), overruled on other grounds by *Carter v. South Cent. Bell*, 912 F.2d 832 (5th Cir. 1990). Christ Academy respectfully submits that the testimony of these witnesses is therefore not relevant to any issue to be decided by the jury, and should therefore be excluded pursuant to the Rules 401 and 402 of the Federal Rules of Evidence. Furthermore, and alternatively, any probative value of the anticipated testimony of these witnesses is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence, pursuant to Rule 403 of the Federal Rules of Evidence.

Christ Academy also objects to Robertson calling Rhonda Mitzner and Meredith Burnett as witnesses in this case. Neither Ms. Mitzner nor Ms. Burnett has been deposed in this case. Robertson indicates that Ms. Mitzner and Ms. Burnett will testify regarding mental anguish and emotional distress purportedly suffered by Robertson. Christ Academy contends that the testimony of these witnesses is not relevant to any issue to be decided by the jury, and should therefore be excluded pursuant to Rules 401 and 402 of the Federal Rules of Evidence. Further, and alternatively, any probative value of the anticipated testimony of these witnesses is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence, pursuant to Rule 403 of the Federal Rules of Evidence.

PRAYER

Defendant Christ Academy f/k/a The Episcopal School of Wichita Falls, Inc. respectfully requests that this Court grant its objections to Plaintiff Keven Robertson's Witness List and not allow Robertson to call Deana Draper, Denise Krzewinski, Stacy Brown, John Q. Krzewinski, Sara Lindemann, Rhonda Mitzner and Meredith Burnett as witnesses during the trial of this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2012, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the Court. The electronic case files system sent a "Notice of Electronic Filing" to the following individual who has consented in writing to accept this Notice as service of this document by electronic means:

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